

DRAFT

SOUTH CAROLINA COMMISSION ON HIGHER EDUCATION

1122 Lady Street, Suite 300

Columbia, SC 29201

10:30 a.m.

Minutes of the Meeting

May 7, 2015

Commission Members Attending

General John Finan, Chair

Dr. Bettie Rose Horne, Vice-Chair

Mr. Paul Batson

Mr. Tim Hofferth

Ms. Dianne Kuhl

Ms. Allison Dean Love

Dr. Louis Lynn

Admiral Charles Munns

Mr. Clark Parker

Mr. Kim Phillips

Ms. Terrye Seckinger (phone)

Dr. Jennifer Settlemyer

Mr. Hood Temple

Dr. Evans Whitaker (phone)

Commission Members Absent

none

Staff Attending

Ms. Julie Carullo, Interim Executive Director

Dr. Argentini Anderson

Mr. Clay Barton

Ms. Laura Belcher

Ms. Camille Brown

Ms. Saundra Carr

Ms. Elizabeth Caulder

Ms. Renea Eshleman

Mr. Gary Glenn

Ms. Lane Goodwin

Dr. Paula Gregg

Mr. Gerrick Hampton

Ms. Trena Houpp

Dr. MaryAnn Janosik

Ms. Yolanda Myers

Ms. Trudy Norton

Ms. Vickie Pratt

Ms. Beth Rogers

Ms. Tanya Rogers

Ms. Laverne Sanders

Ms. Edna Strange

Ms. Catherine Sturm

Dr. Erica Von Nessen

Ms. Leslie Williams

Dr. Karen Woodfaulk

Guests

Dr. Jack Bagwell, Piedmont Technical College

Ms. Beth Bell, Clemson University

Mr. Chris Brown, Medical University of SC

Dr. Deborah Deas, Medical University of SC

Dr. Kris Finnigan, University of SC Columbia

Ms. Joelle Forgeng, Florence, SC

Ms. Stephanie Frazier, SC Technical College System

Ms. Amanda Giles, Medical University of SC

Dr. Mike Godfrey, Clemson University

Dr. Nayo Harvin, SC State University

Dr. Laurie Hopkins, Columbia College

Dr. Debra Jackson, Clemson University

Mr. Bob Isenhower, Spartanburg Methodist College

Dr. David Kibler, Piedmont Technical College

Dr. Sarah Kraft, Medical University of SC

Mr. Andrew Lindemann, Davidson & Lindemann, P.A.

Ms. Tara Lindley, Piedmont Technical College

Ms. Allyn Powell, SC Budget & Control Board

Dr. Jeff Priest, USC Aiken

Dr. Helen Rapoport, Columbia College

Mr. Jack Roach, Florence-Darlington Technical College

Mr. Robert Roche, Piedmont Technical College

Dr. Hope Rivers, SC Technical College System

Mr. Paul Rubin, University of Georgia

Ms. Savoeun Lun, Piedmont Technical College

Mr. Carl Ouzts, Piedmont Technical College

Dr. Gretchen Seif, Medical University of SC

Mr. Eddie Shannon, SC Independent Colleges & Universities

Dr. Darlene Shaw, Medical University of SC

Dr. Mark Sothmann, Medical University of SC

Dr. Nancy Tuten, Columbia College

Dr. Craig Velozo, Medical University of SC

Dr. John Vena, Medical University of SC

1. Introductions

- Lane Goodwin

Ms. Goodwin recorded and announced the names of all those in attendance as listed above. She also stated that the meeting was held in accordance with the Freedom of Information Act.

2. Approval of Minutes

- John Finan

A **motion** was made (Temple) to approve the minutes of the April 2, 2015 CHE meeting. However, the **motion** was **not seconded and not voted on**.

Commissioner Munns requested that a **motion** from the Committee on Governmental and Administrative Affairs (GAAC) to amend the CHE meeting agenda be considered. He stated that the motion was to modify the CHE meeting agenda by adding to the agenda during the report of the Committee on Governmental and Administrative Affairs two motions pertaining to legal counsel for the Commission. GAAC had met in the morning prior to the CHE meeting and, per the by-laws, items requiring CHE action must be submitted at least 48 hours prior to the meeting unless waived by three-fourths of the members present at the meeting.

The **motion was seconded** by Commissioner Settlemyer. Following brief discussion, the **motion** was voted on and **unanimously carried**.

3. Presentation of Service Learning Awards

- Hood Temple

Commissioner Temple began by recognizing Ms. Trena Houpp for her dedicated work with the Service Learning Award process. He also thanked Ms. Laura Belcher who, on behalf of Ms. Houpp, assisted with the presentation of the awards.

Commissioner Temple recognized the individuals who served with him on the panel to select the Service Learning Award winners were: Mr. Eddie Shannon, representing Mr. Mike LeFever with the SC Independent Colleges and Universities; Ms. Rosaline Sumpter, Curriculum Coordinator, Academic Affairs Division, SC Technical College System; Ms. Dana Yow, Director of Communications and Community Involvement, Education Oversight Committee; and CHE staff: Ms. Trena Houpp, Mr. Gerrick Hampton, and Dr. John Lane. He then provided an overview and history of CHE's Service Learning Award initiative which recognizes exemplary contributions to service learning and volunteerism. Mr. Temple stated that 14 programs had been nominated this year. The committee's charge was to select 3 for the award: 1 from the public four-year institutions, 1 from the public two-year institutions, and 1 from the independent institutions. He then announced and congratulated the award winners who were:

1) Medical University of SC: Community Aid, Relief, Education, and Support (CARES) Therapy Clinic, Program Director – Dr. Sara Kraft; 2) Piedmont Technical College: Renovation at Star Fort Historical Site, Project Director – Mr. Robert Roche; and 3) Columbia College: Sophomore Seminar on Diversity, Gender, and Social Justice with Service Learning at Ebenezer Lutheran/Community CME TASC After School Program, Program Director – Dr. Helen Rapoport. Joining these Program Directors as they were recognized by the Commission were: Dr. Gretchen Seif, Dr. Craig Velozo, and Ms. Amanda Giles, Medical University of SC; Dr. Jack Bagwell, Dr. David Kibler, Ms. Tara Lindley, Ms. Savoeun Lun, and Mr. Craig Ouzts, Piedmont Technical College; Dr. Laurie Hopkins and Dr. Nancy Tuten, Columbia College; and Mr. Eddie Shannon, SC Independent Colleges and Universities.

4. Chairman's Report

- John Finan

Chairman Finan provided a brief update on the status of a state bond bill. He also reported on his recent activity with the Mission Readiness Group in support of S.484, a Senate bill concerning the improvement of nutritional levels of food served in the state's schools in order that students may be better prepared to meet the physical requirements of entrance into military service.

5. Report of the Interim Executive Director and Legislative Report

- Julie Carullo

Ms. Carullo reported on current activities in the state legislature, which included the status of the FY16 budget deliberations and information on the Senate Appropriations bill recommendations. In addition, Ms. Carullo provided information about other recent bills concerning: 1) South Carolina – North Carolina boundary clarification; 2) replacement of the members of SC State University’s Board of Trustees; 3) Pathways for Construction and Manufacturing; and 4) the establishment of a coordinating council related to workforce development.

Ms. Carullo reported on several meetings, first stating that the Governor, in conjunction with the SC Department of Employment and Workforce (DEW), had recently announced a task force on workforce development. She reported that she was invited to participate on that task force and that, due to a conflict in her schedule, Chairman Finan would attend the first meeting of that group on Wednesday, May 13, on her behalf.

Ms. Carullo stated that she would be attending a meeting of the SREB College Affordability Commission at the end of June, as well as a presentation to the Senate Education Committee on May 13 by former Governor Jim Hodges on the Competing Through Knowledge initiative. She also reported that Dr. Karen Woodfaulk was representing CHE on the Governor’s Task Force on Criminal Domestic Violence.

Ms. Carullo commented on a recent press release by the Charleston School of Law (CSOL) concerning its future. In response to Commissioner Kuhl’s question about what CHE could be doing proactively to ensure that all proper procedures with regard to the possible closing of CSOL are being followed, Ms. Carullo stated that CHE staff would be contacting officials there, as appropriate, regarding their responsibilities related to CHE requirements.

Brief discussion followed about current and upcoming activities related to higher education at the federal and state level.

Commissioners discussed briefly and thanked Ms. Carullo for work in her current dual roles of service as CHE’s interim Executive Director as well as its Legislative Liaison.

Concluding her report, Ms. Carullo stated it was anticipated that the education committees in both the House and Senate were expected to appoint committees to study the statewide governance issue for higher education with a subcommittee of the House Education and Public Works Committee expected to meet sometime in mid-May.

6. Committee Reports

6.01 Report of the Executive Committee

- John Finan

Chairman Finan reported that the Executive Committee had met on Tuesday, April 28 2015, for the purpose of reviewing the agenda for this meeting.

6.02 Report of the Committee on Academic Affairs and Licensing

- Bettie Rose Horne

CONSENT AGENDA

A. Consideration of New Program Proposals

1. The Citadel, M.A., International Politics and Military Affairs
2. Clemson University, M.S., Athletic Leadership
3. Coastal Carolina University, B.A., Digital Culture and Design
4. Coastal Carolina University, B.S. Engineering Science
5. Coastal Carolina University, Ed.S., Instructional Technology
6. Greenville Technical College, A.A.S., Auto Body Repair
7. Horry-Georgetown Technical College, A.A.S., Brewmaster and Brewery Operations

8. Medical University of South Carolina, M.P.H., Biostatistics
Medical University of South Carolina, M.P.H., Epidemiology
Medical University of South Carolina, M.P.H., Health Behavior and Health Promotion

B. Consideration of Program Modifications

1. Medical University of South Carolina, M.D., Expand Clinical Training to AnMed Health, Anderson, SC
2. South Carolina State University, B.S., Industrial Education, Add a Concentration in Industrial Technology

C. Consideration of College Ready Course Pre-Requisite Task Force Recommendation

D. Consideration of Revised Guidelines for *EIA Centers of (Teacher Education) Excellence* Competitive Grants Program, FY 2016-17

E. Consideration of Revised Guidelines for Federal *Improving Teacher Quality* Competitive Grants Program, FY 2015-16

F. Consideration of Memorandum of Agreement between the SC Commission on Higher Education and the S.C. Technical College System Regarding the Approval Process for Selected Associate of Applied Science Degree Programs

G. Awards for *EIA Centers of (Teacher Education) Excellence* Competitive Grants Program, FY 2015-16 (Continuing) (For Information, No Action Required)

H. Developing More Robust Metrics to Monitor Academic Degree Programs
(For Information, No Action Required)

I. Non-Public Postsecondary Institution Licensing Criteria Revision Update
(For Information, No Action Required)

J. Report on Program Modifications, January 1 – March 31, 2015
(For Information, No Action Required)

Commissioner Horne began her report by announcing that Dr. MaryAnn Janosik had accepted a position at Stanford University and would soon be departing CHE. She complimented Dr. Janosik for her excellent work during her time with the agency and wished her well, after which she was applauded by all for her outstanding contributions. Commissioner Munns also commended Dr. Janosik for her efforts to improve the guidelines under which the Committee on Academic Affairs & Licensing operates by revising the Committee's procedures manual for academic program approval.

Commissioner Horne then stated that Agenda **Items 6.02 A-F**, details about which may be found in **Attachment II**, were presented to the full Commission by consent agenda. She provided brief details about these agenda items, after which **items A – E** were **voted on individually and carried**.

With regard to **Agenda 6.02F**, details about which may also be found in **Attachment II**, Commissioner Horne noted that this item had been fully vetted and unanimously approved by the Committee on Academic Affairs & Licensing at a meeting for this purpose on April 27, 2015.

Commissioner Munns provided information about the background and process of developing the Memorandum of Agreement (MOA), stating that the agreement defines expectations of both CHE and

the State Technical College System and that it improves the existing program approval process by allowing a concurrent process. He stated further that he strongly advocated for the Commission's approval of the agreement and that not approving it would create loss of creditability for CHE. Commissioner Batson also expressed his support for approving the MOA.

Discussion followed during which Commissioner Seckinger expressed concern that the MOA had not been vetted by an attorney. She proposed delaying approval of the MOA until such time that it could be reviewed by an attorney in order to ensure that it does not remove any of CHE's statutory authority for program approval.

Additional discussion included suggestions about: making adjustments to language in the MOA that might be construed as being ambiguous; approving the MOA in concept pending legal review and any modifications; developing a CHE policy instructing the Executive Director to make sure that timely program approvals occur.

Summarizing the discussion, Commissioner Temple stated that the two main points of concern about the MOA to be presented for legal review were: 1) whether CHE is transferring program approval authority; and 2) whether CHE is doing what it intended to do.

Chairman Finan called for the vote as amended by Commissioner Temple. A request was made and agreed upon that this document no longer be referred to as a Memorandum of Agreement and instead be called an Agreement between the SC Commission on Higher Education and the SC State Board for Technical and Comprehensive Education.

Commissioner Temple then stated **the amended motion** in two parts as follows:

- 1) that the Agreement between the SC Commission on Higher Education and the SC State Board for Technical and Comprehensive Education be amended to include language in the second sentence of the section pertaining to the duration of the agreement to state "in the best interest of our students by either party" (underlined words added).
- 2) that the Agreement be approved as written with the caveat that counsel reviews it for the purpose of determining whether CHE is unlawfully delegating statutory authority.

Commissioner Munns **seconded the motion.**

A **roll call vote** was requested. The **motion** carried with **12 of the 13 voting members voting in favor, and 1 member voting no (Seckinger). One member (Whitaker) is a non-voting member** representing the Independent Colleges & Universities. Commissioner Whitaker noted that he did not vote as his position on CHE is non-voting.

In response to Commissioner Love's inquiry about whether clarification was needed as to who will perform the legal review, Commissioner Temple stated that Mr. Andrew Lindemann, who had already been retained to provide legal counsel for CHE on two other matters, would be able to also provide counsel on this matter.

Commissioner Seekinger requested that she go on record as being in agreement with the content and the basic premise of the agreement, but opposed to the form in which it was presented.

Commissioner Horne reported that **Agenda Items 6.02 G-J**, also described in **Attachment II**, were provided for information only.

6.03 Report of Committee on Access & Equity and Student Services - Hood Temple

There was no report from the Committee on Access & Equity and Student Services.

6.04 Report of Committee on Governmental and Administrative Affairs - C. L. Munns

Commissioner Munns stated that, as a result of their Committee meeting earlier in the morning and as referred to earlier in the minutes of this CHE meeting, two items were being added to this portion of the meeting agenda.

On behalf of the Committee on Governmental and Administrative Affairs (GAAC), Commissioner Munns made the following **motion**:

With the Commission on Higher Education designed and authorized as a commission to coordinate higher education actions within the state of South Carolina, we face many frequent and urgent issues which require professional legal judgments. As CHE does not currently have ready access to legal opinion, the GAAC recommends to the Commission that it direct and authorize CHE staff to take steps to make available legal advice as appropriate to the agency's needs and budget and within the procedures as are required through state law.

Discussion followed during which information was shared about how CHE has handled legal representation heretofore. Steps involved in the state process for obtaining legal services by a state agency were discussed. Commissioners also talked about the importance of having legal counsel familiar with CHE statutes, determining the type lawyer engaged, establishing a relationship with a firm that handles different types of matters, and considering the cost involved for acquiring those services.

The **motion** was then brought to the table and **unanimously carried**.

On behalf of the GAAC, Commissioner Munns then made the subsequent two point second **motion**:

1) The GAAC recommends to the full Commission that legal representation be obtained to represent the board and staff, and that the CHE Executive Director implement this process; and 2) The GAAC recommends that the retained attorney be Mr. Butch Bowers.

Discussion followed during which it was stated that law would prohibit the naming of a specific individual.

Following additional conversation about the appropriate way to reword the motion, the **motion was revised to read as follows**:

The GAAC recommends to the full Commission that legal representation be obtained to represent both the Commission and the staff, and further the GAAC directs the CHE Executive Director to implement this process to retain qualified counsel.

The **motion** was then brought to the table and **unanimously carried**.

Commissioner Munns reported that the GAAC has also been working on the development of a

governance and policy manual and that more information about that would be forthcoming after GAAC meets following the CHE meeting on June 4, 2015.

6.05 Report of Committee on Finance and Facilities

- Hood Temple

A. Interim Capital Projects

CONSENT AGENDA

1. Coastal Carolina University	-	Smith Science Building Renovation
2. Florence-Darlington Technical College	-	Automotive & HVAC Technology Center –Phase II
3. Orangeburg-Calhoun Technical College	-	Re-Roofing Project – Buildings A – J and Connecting Corridors

B. CHE Quarterly Budget Report

(For Information, No Action Required)

C. List of Capital Projects & Leases Processed by Staff for April 2015

(For Information, No Action Required)

Commissioner Temple stated that the projects listed in **Agenda Item 6.05A** were considered at the Committee' meeting earlier in the morning and were presented in the form of a **motion** to the full Commission by consent agenda. The **motion** was then voted on and **carried**.

Agenda Items 6.05 B and C were presented for information only. Details about **Agenda Items 605 A, B, and C** may be found in **Attachment III**.

Commissioner Temple reported that the committee also reviewed and approved the SmartState® budget for FY 2015-16 at its meeting earlier in the morning, information about which will be presented to the full Commission for approval at the June 4, 2015, CHE meeting. He also stated the committee would resume its meeting following the adjournment of the CHE meeting and lunch for the purpose of considering the Comprehensive Permanent Improvement Plan (CPIP) that would also be forthcoming to the full Commission in June.

7. Executive Session for the purposes of:

- (1) Receipt of legal advice, *S.C. Code Ann. §30-4-70 (a)(2)*;
- (2) Consideration of personnel matters, *S.C. Code Ann. §30-4-70 (a)(1)*

A **motion** was made (Hood), **seconded** (Munns), and **carried** for the meeting to go into Executive Session at 12:50 p.m.

8. Other Business

The meeting returned to regular session at approximately 2:20 p.m., after which it was immediately adjourned.

Respectfully submitted,
Beth B. Rogers
Beth B. Rogers
Recording Secretary

Attachments (I - II)

*Attachments are not included in this mailing, but will be filed with the permanent record of these minutes and are available for review upon request.